

Calendar No. 224

109TH CONGRESS
1ST SESSION**S. 572**

To amend the homeland security act of 2002 to give additional biosecurity responsibilities to the Department of Homeland Security.

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2005

Mr. AKAKA (for himself and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 27, 2005

Reported by Ms. COLLINS, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To amend the homeland security act of 2002 to give additional biosecurity responsibilities to the Department of Homeland Security.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Homeland Security
5 Food and Agriculture Act of 2005”.

1 **SEC. 2. AGRICULTURAL BIOSECURITY.**

2 (a) IN GENERAL.—Title VIII of the Homeland Secu-
 3 rity Act of 2002 (6 U.S.C. 361 et seq.) is amended by
 4 adding at the end the following:

5 **“Subtitle J—Agricultural**
 6 **Biosecurity**

7 **“SEC. 899A. DEFINITIONS.**

8 “In this subtitle:

9 “(1) AGRICULTURAL DISEASE.—The term ‘agri-
 10 cultural disease’ means an outbreak of a plant or
 11 animal disease, or a pest infestation, that requires
 12 prompt action in order to prevent injury or damage
 13 to people, plants, livestock, property, the economy,
 14 or the environment.

15 “(2) AGRICULTURE.—The term ‘agriculture’ in-
 16 cludes—

17 “(A) the science and practice of an activity
 18 relating to—

19 “(i) food, feed, and fiber production;

20 or

21 “(ii) the processing, marketing, dis-
 22 tribution, use, or trade of food, feed, or
 23 fiber;

24 “(B) a social science, such as—

25 “(i) family and consumer science;

26 “(ii) nutritional science;

1 “(iii) food science and engineering; or

2 “(iv) agricultural economics; and

3 “(C) an environmental or natural resource

4 science, such as—

5 “(i) forestry;

6 “(ii) wildlife science;

7 “(iii) fishery science;

8 “(iv) aquaculture;

9 “(v) floraculture; or

10 “(vi) veterinary medicine.

11 “(3) AGROTERRORIST ACT.—

12 “(A) IN GENERAL.—The term

13 ‘agroterrorist act’ means the criminal act, com-

14 mitted with the intent described in subpara-

15 graph (B), of causing or attempting to cause

16 damage or harm (including destruction or con-

17 tamination) to—

18 “(i) a crop;

19 “(ii) livestock;

20 “(iii) farm or ranch equipment;

21 “(iv) material or property associated

22 with agriculture; or

23 “(v) a person engaged in an agricul-

24 tural activity.

1 “(B) INTENT.—The term ‘agroterrorist
2 act’ means an act described in subparagraph
3 (A) that is committed with the intent to—

4 “(i) intimidate or coerce a civilian
5 population; or

6 “(ii) influence the policy of a govern-
7 ment by intimidation or coercion.

8 “(4) BIOSECURITY.—

9 “(A) IN GENERAL.—The term ‘biosecurity’
10 means protection from the risk posed by a bio-
11 logical, chemical, or radiological agent to—

12 “(i) the agricultural economy;

13 “(ii) the environment;

14 “(iii) human health; or

15 “(iv) plant or animal health.

16 “(B) INCLUSIONS.—The term ‘biosecurity’
17 includes the exclusion, eradication, and control
18 of a biological agent that causes an agricultural
19 disease.

20 “(5) EMERGENCY RESPONSE PROVIDER.—The
21 term ‘emergency response provider’ includes any
22 Federal, State, or local—

23 “(A) emergency public safety professional;

24 “(B) law enforcement officer;

1 “(C) emergency medical professional (in-
2 cluding an employee of a hospital emergency fa-
3 cility);

4 “(D) veterinarian or other animal health
5 professional; and

6 “(E) related personnel, agency, or author-
7 ity.

8 “(6) SUSPECT LOCATION.—The term ‘suspect
9 location’ means a location that, as recognized by an
10 element of the intelligence community—

11 “(A) has experienced, or may experience,
12 an agroterrorist act or an unusual disease; or

13 “(B) has harbored, or may harbor, a per-
14 son that committed an agroterrorist act.

15 **“SEC. 899B. AGRICULTURAL SECURITY RESPONSIBILITIES**
16 **OF THE DEPARTMENT OF HOMELAND SECU-**
17 **RITY.**

18 “(a) COORDINATION OF FOOD AND AGRICULTURAL
19 SECURITY.—

20 “(1) IN GENERAL.—The Secretary shall estab-
21 lish and carry out a program to protect the agri-
22 culture and food supply of the United States from
23 agroterrorist acts.

1 ~~“(2) PROGRAM INCLUSIONS.—~~The program es-
 2 ~~tablished pursuant to paragraph (1) shall include~~
 3 ~~provisions for—~~

4 ~~“(A) advising and coordinating with Fed-~~
 5 ~~eral, State, local, regional, and tribal homeland~~
 6 ~~security officials regarding—~~

7 ~~“(i) preparedness for and the response~~
 8 ~~to an agroterrorist act; and~~

9 ~~“(ii) the detection, prevention, and~~
 10 ~~mitigation of an agroterrorist act; and~~

11 ~~“(B) executing the agriculture security re-~~
 12 ~~sponsibilities of the Secretary described in~~
 13 ~~Homeland Security Presidential Directive 7~~
 14 ~~(December 17, 2003) and Homeland Security~~
 15 ~~Presidential Directive 9 (February 3, 2004).~~

16 ~~“(b) RESPONSIBILITIES.—~~

17 ~~“(1) SECRETARY.—~~The Secretary shall have re-
 18 ~~sponsibility for—~~

19 ~~“(A) increasing communication and coordi-~~
 20 ~~nation among all Federal, State, local, regional,~~
 21 ~~and tribal emergency response providers regard-~~
 22 ~~ing biosecurity;~~

23 ~~“(B) ensuring that each Federal, State,~~
 24 ~~local, regional, and tribal emergency response~~
 25 ~~provider understands and executes the role of~~

1 that emergency response provider in response to
2 an agroterrorist attack;

3 “(C)(i) ensuring that State, local, and trib-
4 al officials have adequate access to information
5 and resources at the Federal level; and

6 “(ii) developing and implementing informa-
7 tion-sharing procedures by which a Federal,
8 State, local, regional, or tribal emergency re-
9 sponse provider can share information regard-
10 ing a biological threat, risk, or vulnerability;

11 “(D) coordinating with the Secretary of
12 Transportation to develop guidelines for restric-
13 tions on the interstate transportation of an ag-
14 ricultural commodity or product in response to
15 an agricultural disease;

16 “(E) coordinating with the Administrator
17 of the Environmental Protection Agency in con-
18 sidering the potential environmental impact of a
19 response by Federal, regional, State, local, and
20 tribal emergency response providers to an agri-
21 cultural disease;

22 “(F) working with Federal agencies (in-
23 cluding the Department of Agriculture and
24 other elements of the intelligence community) to
25 improve the ability of employees of the Depart-

1 ment of Homeland Security to identify a bio-
2 logical commodity or product, livestock, and any
3 other good that is imported from a suspect lo-
4 cation;

5 “(G) coordinating with the Department of
6 State to provide the President and Federal
7 agencies guidelines for establishing a mutual
8 assistance agreement with another country, in-
9 cluding an agreement—

10 “(i) to provide training to veterinar-
11 ians, public health workers, and agri-
12 culture specialists of the United States in
13 the identification, diagnosis, and control of
14 foreign diseases;

15 “(ii) to provide resources and tech-
16 nical assistance personnel to a foreign gov-
17 ernment with limited resources; and

18 “(iii) to participate in a bilateral or
19 multilateral training program or exercise
20 relating to biosecurity.

21 ~~“(2) UNDERSECRETARY FOR EMERGENCY RE-~~
22 ~~SPONSE AND PREPAREDNESS.—The Undersecretary~~
23 for Emergency Response and Preparedness shall
24 have responsibility for—

1 “(A) not later than 180 days after the date
2 of enactment of this subtitle, cooperating with
3 State, local, and tribal homeland security offi-
4 cials to establish State, local, and regional re-
5 sponse plans for an agricultural disease or
6 agroterrorist act that include—

7 “(i) a comprehensive needs analyses
8 to determine the appropriate investment
9 requirements for responding to an agricul-
10 tural disease or agroterrorist act;

11 “(ii) a potential emergency manage-
12 ment assistance compact and any other
13 mutual assistance agreement between
14 neighboring States; and

15 “(iii) an identification of State and
16 local laws (including regulations) and pro-
17 cedures that may affect the implementa-
18 tion of a State response plan; and

19 “(B) not later than 90 days after the date
20 of enactment of this subtitle, establishing a task
21 force consisting of State and local homeland se-
22 curity officials that shall—

23 “(i) identify the best practices for ear-
24 rying out a regional or State biosecurity
25 program;

1 “(ii) make available to State, local,
2 and tribal governments a report that de-
3 scribes the best practices identified under
4 clause (i); and

5 “(iii) design and make available infor-
6 mation (based on the best practices identi-
7 fied under clause (i)) concerning training
8 exercises for emergency response providers
9 in the form of printed materials and elec-
10 tronic media to—

11 “(I) managers of State, local,
12 and tribal emergency response pro-
13 vider organizations; and

14 “(II) State health and agricul-
15 tural officials.

16 “(c) GRANTS TO FACILITATE PARTICIPATION OF
17 STATE AND LOCAL ANIMAL HEALTH CARE OFFICIALS.—

18 “(1) IN GENERAL.—The Office of State and
19 Local Coordination and Preparedness, in consulta-
20 tion with the Undersecretary for Emergency Re-
21 sponse and Preparedness and the Secretary, shall es-
22 tablish a program under which the Secretary shall
23 provide grants to communities to facilitate the par-
24 ticipation of State and local animal health care offi-
25 cials in community emergency planning efforts.

1 ~~“(2) AUTHORIZATION OF APPROPRIATIONS.—~~

2 There is authorized to be appropriated to carry out
3 ~~this subsection \$5,000,000 for fiscal year 2006.”.~~

4 **SECTION 1. SHORT TITLE.**

5 *This Act may be cited as the “Homeland Security*
6 *Food and Agriculture Act of 2005”.*

7 **SEC. 2. AGRICULTURAL BIOSECURITY.**

8 (a) *IN GENERAL.*—*Title VIII of the Homeland Secu-*
9 *rity Act of 2002 (6 U.S.C. 361 et seq.) is amended by add-*
10 *ing at the end the following:*

11 **“Subtitle J—Agricultural**
12 **Biosecurity**

13 **“SEC. 899a. DEFINITIONS.**

14 *“In this subtitle:*

15 “(1) *AGRICULTURAL DISEASE.*—*The term ‘agri-*
16 *cultural disease’ means an outbreak of a plant or ani-*
17 *mal disease, or a pest infestation, that requires*
18 *prompt action in order to prevent injury or damage*
19 *to people, plants, livestock, property, the economy, or*
20 *the environment.*

21 “(2) *AGRICULTURE.*—*The term ‘agriculture’ in-*
22 *cludes—*

23 “(A) *the science and practice of an activity*
24 *relating to—*

25 “(i) *food, feed, and fiber production; or*

1 “(ii) the processing, marketing, dis-
 2 tribution, use, or trade of food, feed, or
 3 fiber;

4 “(B) a social science, such as—

5 “(i) family and consumer science;

6 “(ii) nutritional science;

7 “(iii) food science and engineering; or

8 “(iv) agricultural economics; and

9 “(C) an environmental or natural resource
 10 science, such as—

11 “(i) forestry;

12 “(ii) wildlife science;

13 “(iii) fishery science;

14 “(iv) aquaculture;

15 “(v) floraculture; or

16 “(vi) veterinary medicine.

17 “(3) AGROTERRORIST ACT.—

18 “(A) IN GENERAL.—The term ‘agroterrorist
 19 act’ means an act, committed with the intent de-
 20 scribed in subparagraph (B), of causing or at-
 21 tempting to cause damage or harm (including
 22 destruction or contamination) to—

23 “(i) a crop;

24 “(ii) livestock;

25 “(iii) farm or ranch equipment;

1 “(iv) material or property associated
2 with agriculture; or

3 “(v) a person engaged in an agricul-
4 tural activity.

5 “(B) *INTENT.*—The term ‘agroterrorist act’
6 means an act described in subparagraph (A)
7 that is committed with the intent to—

8 “(i) intimidate or coerce a civilian
9 population; or

10 “(ii) influence the policy of a govern-
11 ment by intimidation or coercion.

12 “(4) *BIOSECURITY.*—

13 “(A) *IN GENERAL.*—The term ‘biosecurity’
14 means protection from the risk posed by a bio-
15 logical, chemical, or radiological agent to—

16 “(i) the agricultural economy;

17 “(ii) the environment;

18 “(iii) human health; or

19 “(iv) plant or animal health.

20 “(B) *INCLUSIONS.*—The term ‘biosecurity’
21 includes the exclusion, eradication, and control
22 of a biological agent that causes an agricultural
23 disease.

1 **“SEC. 899b. AGRICULTURAL SECURITY RESPONSIBILITIES**
2 **OF THE DEPARTMENT.**

3 “(a) *COORDINATION OF FOOD AND AGRICULTURAL SE-*
4 *CURITY.—*

5 “(1) *IN GENERAL.—The Secretary shall establish*
6 *and carry out a program to protect the agriculture*
7 *and food supply of the United States from*
8 *agroterrorist acts.*

9 “(2) *PROGRAM INCLUSIONS.—The program es-*
10 *tablished pursuant to paragraph (1) shall include*
11 *provisions for —*

12 “(A) *advising and coordinating with Fed-*
13 *eral, State, local, regional, and tribal homeland*
14 *security officials regarding—*

15 “(i) *preparedness for and the response*
16 *to an agroterrorist act; and*

17 “(ii) *the detection, prevention, and*
18 *mitigation of an agroterrorist act; and*

19 “(B) *executing the agriculture security re-*
20 *sponsibilities of the Secretary described in*
21 *Homeland Security Presidential Directive 7 (De-*
22 *cember 17, 2003) and Homeland Security Presi-*
23 *dential Directive 9 (February 3, 2004).*

24 “(b) *RESPONSIBILITIES.—*

25 “(1) *SECRETARY.—The Secretary shall have re-*
26 *sponsibility for—*

1 “(A) increasing communication and coordi-
2 nation among all Federal, State, local, regional,
3 and tribal emergency response providers and
4 animal health and plant disease specialists re-
5 garding biosecurity;

6 “(B) ensuring that each Federal, State,
7 local, regional, and tribal emergency response
8 provider, animal health specialist, and plant dis-
9 ease specialist understands and executes the role
10 of that emergency response provider, animal
11 health specialist, or plant disease specialist in
12 response to an agroterrorist attack;

13 “(C)(i) ensuring that State, local, and trib-
14 al officials have adequate access to biosecurity
15 information and resources at the Federal level;
16 and

17 “(ii) developing and implementing informa-
18 tion-sharing procedures by which a Federal,
19 State, local, regional, or tribal emergency re-
20 sponse provider, animal health specialist, or
21 plant disease specialist can share information re-
22 garding a biological threat, risk, or vulner-
23 ability;

24 “(D) coordinating with the Secretary of
25 Transportation to develop guidelines for restric-

1 *tions on the interstate transportation of an agri-*
2 *cultural commodity or product in response to an*
3 *agricultural disease;*

4 *“(E) coordinating with the Administrator*
5 *of the Environmental Protection Agency in con-*
6 *sidering the potential environmental impact of a*
7 *response by Federal, regional, State, local, and*
8 *tribal emergency response providers and animal*
9 *health and plant disease specialists to an agri-*
10 *cultural disease;*

11 *“(F) working with Federal agencies (includ-*
12 *ing other elements of the intelligence community*
13 *and the Department of Agriculture) to improve*
14 *the ability of employees of the Department to*
15 *identify a biological commodity or product, live-*
16 *stock, or any other good that is imported from*
17 *a suspect location, as determined by the intel-*
18 *ligence community;*

19 *“(G) coordinating with the Department of*
20 *State to provide the President and Federal agen-*
21 *cies guidelines for establishing a mutual assist-*
22 *ance agreement with another country—*

23 *“(i) to provide training to veterinar-*
24 *ians, public health workers, and agriculture*
25 *specialists of the United States in the iden-*

1 *tification, diagnosis, and control of foreign*
 2 *diseases;*

3 “(ii) *to provide resources and technical*
 4 *assistance personnel to a foreign government*
 5 *with limited resources; and*

6 “(iii) *to participate in a bilateral or*
 7 *multilateral training program or exercise*
 8 *relating to biosecurity;*

9 “(H) *not later than 1 year after the date of*
 10 *enactment of this subtitle, cooperating with*
 11 *State, local, and tribal homeland security offi-*
 12 *cials to establish State and regional response*
 13 *plans for an agricultural disease or agroterrorist*
 14 *act that include—*

15 “(i) *a comprehensive needs analyses to*
 16 *determine the appropriate investment re-*
 17 *quirements for responding to an agricul-*
 18 *tural disease or agroterrorist act;*

19 “(ii) *a potential emergency manage-*
 20 *ment assistance compact and any other mu-*
 21 *tual assistance agreement between neigh-*
 22 *boring States; and*

23 “(iii) *an identification of Federal,*
 24 *State, and local laws (including regula-*
 25 *tions) and procedures that may affect the*

1 *implementation of a State response plan;*
2 *and*

3 “(I) *not later than 90 days after the date of*
4 *enactment of this subtitle, establishing a task*
5 *force consisting of State and local homeland se-*
6 *curity officials that shall—*

7 “(i) *identify the best practices for car-*
8 *rying out a regional or State biosecurity*
9 *program;*

10 “(ii) *make available to State, local,*
11 *and tribal governments a report that de-*
12 *scribes the best practices identified under*
13 *clause (i); and*

14 “(iii) *design and make available infor-*
15 *mation (based on the best practices identi-*
16 *fied under clause (i)) concerning training*
17 *exercises for emergency response providers*
18 *and animal health and plant disease spe-*
19 *cialists in the form of printed materials and*
20 *electronic media to—*

21 “(I) *managers of State, local, and*
22 *tribal emergency response provider,*
23 *animal health, and plant disease spe-*
24 *cialist organizations; and*

1 “(II) *State health and agricul-*
2 *tural officials.*

3 “(c) *GRANTS TO FACILITATE PARTICIPATION OF*
4 *STATE AND LOCAL ANIMAL HEALTH CARE OFFICIALS.—*

5 “(1) *IN GENERAL.—The Office of State and*
6 *Local Coordination and Preparedness shall establish*
7 *a program under which the Secretary shall provide*
8 *grants to State and local governments to facilitate the*
9 *participation of State and local agriculture security*
10 *experts in community emergency planning efforts.*

11 “(2) *ELIGIBILITY.—For purposes of the grant*
12 *program described in paragraph (1), animal health*
13 *and plant disease specialists, environmental regu-*
14 *lators, farmers, ranchers, and any other individual*
15 *the Secretary determines to be knowledgeable in agri-*
16 *cultural security practices shall be considered to be*
17 *agriculture security experts.*

18 “(3) *AUTHORIZATION OF APPROPRIATIONS.—*
19 *There is authorized to be appropriated to carry out*
20 *this subsection \$5,000,000 for fiscal year 2006.”.*

21 “(b) *TECHNICAL AND CONFORMING AMENDMENT.—The*
22 *table of contents in section 1(b) of the Homeland Security*
23 *Act of 2002 (6 U.S.C. 101) is amended by inserting after*
24 *the item relating to section 899 the following:*

 “Subtitle J—Agricultural Biosecurity

 “Sec. 899a. Definitions.

“Sec. 899b. Agricultural security responsibilities of the Department.”.

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SEPTEMBER 27, 2005

Reported with an amendment